

AMENDED IN ASSEMBLY MAY 20, 2014

AMENDED IN SENATE JANUARY 6, 2014

AMENDED IN SENATE APRIL 15, 2013

AMENDED IN SENATE APRIL 9, 2013

SENATE BILL

No. 577

Introduced by Senator Pavley

(Coauthor: Senator DeSaulnier)

(Coauthors: Assembly Members Buchanan, Garcia, and Waldron)

February 22, 2013

An act to amend Sections 4850, 4851, 4854, and 4860 of the Welfare and Institutions Code, relating to developmental disabilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 577, as amended, Pavley. Autism and other developmental disabilities: employment.

The Lanterman Developmental Disabilities Services Act authorizes the State Department of Developmental Services to contract with regional centers to provide services and support to individuals with developmental disabilities, including autism. Existing law governs the habilitation services provided for adult consumers of regional centers, including work activity programs, as described, and establishes an hourly rate for supported employment services provided to consumers receiving individualized services.

This bill would require the development and semiannual review of a plan, as specified, if community-based—~~prevocational~~ *vocational development* services, as defined, are determined to be a necessary step to achieve a supported employment outcome. The bill would establish an hourly rate for community-based—~~prevocational~~ *vocational*

development services of \$40 per hour for a maximum of 75 hours per calendar quarter for all services identified and provided in the plan. The bill would limit the community-based vocational development services that may be provided in conjunction with other community-based day services to no more than 30 hours of service a week for up to 2 years, as specified.

The bill would also set forth related legislative findings and declarations.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Individuals with developmental disabilities have to struggle
- 4 to find gainful employment. Unemployment amongst the
- 5 developmentally disabled population is approximately 80 percent.
- 6 (b) Within the developmentally disabled community, autism is
- 7 the fastest growing population, making up approximately 50
- 8 percent of the annual new caseload of regional centers in some
- 9 parts of the state.
- 10 (c) One in three adults with autism do not have paid work
- 11 experience or a college or technical education seven years after
- 12 leaving the K-12 school system.
- 13 (d) In order to increase the self-sufficiency of young adults with
- 14 autism and other developmental disabilities, including increased
- 15 earning capacity and reduced government benefit support, it is
- 16 important that the state implement a program to provide
- 17 individualized skills assessment, social cue training, and specific
- 18 support to ensure their academic and employment success.
- 19 (e) The Governor and the Legislature must address the growing
- 20 need for new models of assessment, career training, and expanding
- 21 employment opportunities and support options for young adults
- 22 with autism and other developmental disabilities between 18 and
- 23 30 years of age. If this population is left without purposefully
- 24 designed pathways into employment, these young adults will
- 25 remain at high risk of public dependency throughout the course
- 26 of their lives.

1 (f) *The passage of the State of California's Employment First*
2 *Policy requires the state to increase the opportunities for*
3 *individuals with developmental disabilities to achieve integrated*
4 *competitive employment.*

5 SEC. 2. Section 4850 of the Welfare and Institutions Code is
6 amended to read:

7 4850. (a) The Legislature reaffirms its intent that habilitation
8 services for adults with developmental disabilities should be
9 planned and provided as a part of a continuum and that habilitation
10 services should be available to enable persons with developmental
11 disabilities to approximate the pattern of everyday living available
12 to nondisabled people of the same age.

13 (b) The Legislature further intends that habilitation services
14 shall be provided to adults with developmental disabilities as
15 specified in this chapter in order to guarantee the rights stated in
16 Section 4502.

17 (c) The Legislature further intends that in order to increase
18 effectiveness and opportunity to gain meaningful *integrated*
19 employment opportunities, habilitation services shall also provide
20 community-based ~~pre-vocational~~ *vocational development* services
21 to enhance community employment readiness, develop social skills
22 necessary for successful community employment, and build a
23 network of community and employment opportunities for
24 individuals with developmental disabilities.

25 SEC. 3. Section 4851 of the Welfare and Institutions Code is
26 amended to read:

27 4851. The definitions contained in this chapter shall govern
28 the construction of this chapter, with respect to habilitation services
29 provided through the regional center, and unless the context
30 requires otherwise, the following terms shall have the following
31 meanings:

32 (a) "Habilitation services" means community-based services
33 purchased or provided for adults with developmental disabilities,
34 including services provided under the Work Activity Program and
35 the Supported Employment Program, to prepare and maintain them
36 at their highest level of vocational functioning, or to prepare them
37 for referral to vocational rehabilitation services.

38 (b) "Individual program plan" means the overall plan developed
39 by a regional center pursuant to Section 4646.

1 (c) “Individual habilitation service plan” means the service plan
2 developed by the habilitation service vendor to meet employment
3 goals in the individual program plan.

4 (d) “Department” means the State Department of Developmental
5 Services.

6 (e) “Work activity program” includes, but is not limited to,
7 sheltered workshops or work activity centers, or community-based
8 work activity programs certified pursuant to subdivision (f) or
9 accredited by CARF, the Rehabilitation Accreditation Commission.

10 (f) “Certification” means certification procedures developed by
11 the Department of Rehabilitation.

12 (g) “Work activity program day” means the period of time
13 during which a Work Activity Program provides services to
14 consumers.

15 (h) “Full day of service” means, for purposes of billing, a day
16 in which the consumer attends a minimum of the declared and
17 approved work activity program day, less 30 minutes, excluding
18 the lunch period.

19 (i) “Half day of service” means, for purposes of billing, any day
20 in which the consumer’s attendance does not meet the criteria for
21 billing for a full day of service as defined in subdivision (g), and
22 the consumer attends the work activity program not less than two
23 hours, excluding the lunch period.

24 (j) “Supported employment program” means a program that
25 meets the requirements of subdivisions (n) to (s), inclusive.

26 (k) “Consumer” means any adult who receives services
27 purchased under this chapter.

28 (l) “Accreditation” means a determination of compliance with
29 the set of standards appropriate to the delivery of services by a
30 work activity program or supported employment program,
31 developed by CARF, the Rehabilitation Accreditation Commission,
32 and applied by the commission or the department.

33 (m) “CARF” means CARF the Rehabilitation Accreditation
34 Commission.

35 (n) “Supported employment” means paid work that is integrated
36 in the community for individuals with developmental disabilities.

37 (o) “Integrated work” means the engagement of an employee
38 with a disability in work in a setting typically found in the
39 community in which individuals interact with individuals without
40 disabilities other than those who are providing services to those

1 individuals, to the same extent that individuals without disabilities
2 in comparable positions interact with other persons.

3 (p) “Supported employment placement” means the employment
4 of an individual with a developmental disability by an employer
5 in the community, directly or through contract with a supported
6 employment program. This includes provision of ongoing support
7 services necessary for the individual to retain employment.

8 (q) “Allowable supported employment services” means the
9 services approved in the individual program plan and specified in
10 the individual habilitation service plan for the purpose of achieving
11 supported employment as an outcome, and may include any of the
12 following:

13 (1) Job development, to the extent authorized by the regional
14 center.

15 (2) Program staff time for conducting job analysis of supported
16 employment opportunities for a specific consumer.

17 (3) Program staff time for the direct supervision or training of
18 a consumer or consumers while they engage in integrated work
19 unless other arrangements for consumer supervision, including,
20 but not limited to, employer supervision reimbursed by the
21 supported employment program, are approved by the regional
22 center.

23 (4) Community-based training in adaptive functional and social
24 skills necessary to ensure job adjustment and retention.

25 (5) Counseling with a consumer’s significant other to ensure
26 support of a consumer in job adjustment.

27 (6) Advocacy or intervention on behalf of a consumer to resolve
28 problems affecting the consumer’s work adjustment or retention.

29 (7) Ongoing support services needed to ensure the consumer’s
30 retention of the job.

31 (r) “Group services” means job coaching in a group supported
32 employment placement at a job coach-to-consumer ratio of not
33 less than one-to-three nor more than one-to-eight where services
34 to a minimum of three consumers are funded by the regional center
35 or the Department of Rehabilitation. For consumers receiving
36 group services, ongoing support services shall be limited to job
37 coaching and shall be provided at the worksite.

38 (s) “Individualized services” means job coaching and other
39 supported employment services for regional center-funded
40 consumers in a supported employment placement at a job

1 coach-to-consumer ratio of one-to-one, and that decrease over time
2 until stabilization is achieved. Individualized services may be
3 provided on or off the jobsite.

4 (t) “Community-based-~~prevocational~~ *vocational development*
5 services” means (1) services provided to enhance community
6 employment readiness, which may include the use of discovery
7 and job exploration opportunities, (2) social skill development
8 services necessary to obtain and maintain community employment,
9 (3) services to use internship, apprenticeship, and volunteer
10 opportunities to provide community-based-~~prevocational~~ *vocational*
11 *development* skills development opportunities, (4) services to
12 access and participate in postsecondary education or career
13 technical education, and (5) building a network of community and
14 employment opportunities.

15 SEC. 4. Section 4854 of the Welfare and Institutions Code is
16 amended to read:

17 4854. (a) In developing the individual habilitation service plan
18 pursuant to Section 4853, the habilitation service provider shall
19 develop specific and measurable objectives to determine whether
20 the consumer demonstrates ability to reach or maintain individual
21 employment goals in all of the following areas:

- 22 (1) Participation in paid work for a specified period of time.
- 23 (2) Obtaining or sustaining a specified productivity rate.
- 24 (3) Obtaining or sustaining a specified attendance level.
- 25 (4) Demonstration of appropriate behavior for a work setting.

26 (b) If community-based-~~prevocational~~ *vocational development*
27 services are determined to be a necessary step to achieve a
28 supported employment outcome, a plan shall be developed and
29 may include, but is not limited to, all of the following:

- 30 (1) An inventory of potential employment interests.
- 31 (2) Preferences for types of work environments or situations.
- 32 (3) Identification of any training or education needed for the
33 consumer’s desired job.
- 34 (4) Opportunities to explore jobs or self-employment as a means
35 to meet the consumer’s desired employment outcome.
- 36 (5) Identification of any personal or family networks the
37 consumer may use to achieve his or her desired employment
38 outcomes.

39 (c) The habilitation service provider and the regional center
40 shall review the plan developed pursuant to subdivision (b)

1 semiannually to document progress towards objectives, additional
2 barriers, and other changes that impact the consumer's desired
3 employment outcome.

4 *(d) Community-based vocational development services may be*
5 *provided in conjunction with other community-based day services,*
6 *for no more than 30 hours of service a week for up to two years.*
7 *Community-based vocational development services may be*
8 *authorized beyond the initial two years, if the consumer, his or*
9 *her habilitation service provider, and the regional center determine*
10 *and document at each semiannual review that the consumer is*
11 *making significant progress toward the habilitation services*
12 *objectives for more than an additional two years.*

13 SEC. 5. Section 4860 of the Welfare and Institutions Code is
14 amended to read:

15 4860. (a) (1) The hourly rate for supported employment
16 services provided to consumers receiving individualized services
17 shall be thirty dollars and eighty-two cents (\$30.82).

18 (2) Job coach hours spent in travel to consumer worksites may
19 be reimbursable for individualized services only when the job
20 coach travels from the vendor's headquarters to the consumer's
21 worksite or from one consumer's worksite to another, and only
22 when the travel is one way.

23 (b) The hourly rate for group services shall be thirty dollars and
24 eighty-two cents (\$30.82), regardless of the number of consumers
25 served in the group. Consumers in a group shall be scheduled to
26 start and end work at the same time, unless an exception that takes
27 into consideration the consumer's compensated work schedule is
28 approved in advance by the regional center. The department, in
29 consultation with stakeholders, shall adopt regulations to define
30 the appropriate grounds for granting these exceptions. When the
31 number of consumers in a supported employment placement group
32 drops to fewer than the minimum required in subdivision (r) of
33 Section 4851, the regional center may terminate funding for the
34 group services in that group, unless, within 90 days, the program
35 provider adds one or more regional centers, or Department of
36 Rehabilitation-funded supported employment consumers to the
37 group.

38 (c) Job coaching hours for group services shall be allocated on
39 a prorated basis between a regional center and the Department of

1 Rehabilitation when regional center and Department of
2 Rehabilitation consumers are served in the same group.

3 (d) When Section 4855 applies, fees shall be authorized for the
4 following:

5 (1) A three-hundred-sixty-dollar (\$360) fee shall be paid to the
6 program provider upon intake of a consumer into a supported
7 employment program. No fee shall be paid if that consumer
8 completed a supported employment intake process with that same
9 supported employment program within the previous 12 months.

10 (2) A seven-hundred-twenty-dollar (\$720) fee shall be paid
11 upon placement of a consumer in an integrated job, except that no
12 fee shall be paid if that consumer is placed with another consumer
13 or consumers assigned to the same job coach during the same hours
14 of employment.

15 (3) A seven-hundred-twenty-dollar (\$720) fee shall be paid after
16 a 90-day retention of a consumer in a job, except that no fee shall
17 be paid if that consumer has been placed with another consumer
18 or consumers, assigned to the same job coach during the same
19 hours of employment.

20 (e) The hourly rate for community-based—~~prevocational~~
21 *vocational development* services shall be forty dollars (\$40) per
22 hour for a maximum of 75 hours per calendar quarter for all
23 services identified and provided in the community-based
24 ~~prevocational~~ *vocational development* plan as developed pursuant
25 to ~~subdivision (b)~~ subdivisions (b) and (c) of Section 4854. *Prior*
26 *to the implementation of community-based vocational development*
27 *services, the department shall secure federal Medicaid funding*
28 *for this service.*

29 (f) Notwithstanding paragraph (4) of subdivision (a) of Section
30 4648, the regional center shall pay the supported employment
31 program rates established by this section.